

he, transfers of such lands to unwary public."

The motion was adopted

SHRI I. K. GUJRAL : Sir, I introduce the Bill.

12.30 hrs.

INDUSTRIAL DISPUTES (AMENDMENT) BILL—Contd.

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : Sir, I beg to move :

"That the debate on the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha, which was adjourned on the 25th May, 1972, be resumed now."

SHRI S. M. BANERJEE (Kanpur) : The hon. Minister, if I have heard him correctly, has moved now that the debate should be resumed. My friend Mr. Somnath Chatterjee raised objection about a particular provision. There was some lacuna there which will work adversely against the workers...

MR. SPEAKER : Why are you making a speech ? He must have come out with all that.

SHRI S. M. BANERJEE : Has he brought any amendment ?

SHRI JYOTIRMOY BOSU (Diamond Harbour) : He must have brought some amendment. Has he ?

SHRI DINEN BHATTACHARYYA (Serampore) : Only yesterday he was in doubt. How does he come today with the same Bill ?

SHRI S. M. BANERJEE : We want to know whether the amendment is brought.

MR. SPEAKER : Let him speak.

SHRI R. K. KHADILKAR : We have improved on it.

MR. SPEAKER : He says, this has been improved upon.

The question is...

SHRI S. M. BANERJEE : Let him read out the amendment. We will support it if necessary.

MR. SPEAKER : You may accept or reject. No conditions, no preconditions.

Now, the question is :

"That the debate on the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha, which was adjourned on the 25th May, 1972, be resumed now."

The motion was adopted

MR. SPEAKER : We are introducing many new things in the procedure, abrupt postponement of Bills, abrupt taking up of time for resumption and improvement of draft. I am not going to treat these things as precedents. Kindly see that this is not interrupted just in the midst of discussion of clauses which was going on. It was not a very healthy practice. The House is the master of its own procedure. But it would have been much better if you had taken all these gentlemen to consultation and shown it to them...

SHRI JYOTIRMOY BOSU : They are very perfect when they draft measures like Maintenance of Internal Security Act or the CRP Act, in particular.

MR. SPEAKER : Mr. Bosu are you not tired of talking ?

SHRI R. K. KHADILKAR : Regarding this one...

MR. SPEAKER : I know that.

SHRI R. K. KHADILKAR : Doubts were raised. I said, the clause was bodily lifted from the other enactment which was carried by the House. I was assured by the Law Ministry that there was no question of any other interpretation. But in order to provide opportunity to those who raised

[Shri R.K. Khadilkar]

this matter, I got it further clarified I beg to move...

MR SPEAKER : You could have assured them that if you find any lacuna you will later on come with a further amendment, but not to abruptly say, we will postpone it for tomorrow. It is something unusual.

SHRI R. K. KHADILKAR : Opposition insisted on that postponement. Certain doubts were expressed by the opposition. That is why I am bringing forward this amendment.

MR. SPEAKER : You may move it.

Clause 2—(*Insertion of new section 25FA*)—Contd.

SHRI R. K. KHADILKAR : I am moving this amendment to Clause 2 which was under consideration.

Sir, I beg to move :

*Page 1,

for lines 14 to 16, *substitute*—

“(a) an undertaking in which—

(i) less than fifty workmen are employed, or

(ii) than fifty workmen were employed on an average per working day in the preceding twelve months,” . . . (9)

SHRI JAGANNATH RAO (Chattrapuri) : It should have been circled to us.

SHRI SEZHIYAN (Kumbakonam) : The copies of the amendment have not been circulated to us. I went through my papers very carefully today but I was surprised to find no amendment by the hon. Minister.

MR. SPEAKER : Everything is unusual now. The hon. Minister knows that the copies have to be circulated in advance,

SHRI R. K. KHADILKAR : Yesterday, I had sent notice.

MR SPEAKER : Of course, I shall allow him now. If the Speaker give his consent, it is all right. But this is not going to be repeated again.

SHRI R. K. KHADILKAR : For the benefit of hon. Members. I shall read it out again.

SHRI S. M. BANERJEE : Let him read it out slowly so that we may write it down.

SHRI R. K. KHADILKAR : The amendment reads as follows :

Page 1,—for lines 14 to 16, *substitute*

“(a) an undertaking in which—

(i) less than fifty workmen, are employed, or

(ii) less than fifty workmen were employed on an average per working day in the preceding twelve months,”. (9)

SHRI SAMAR GUHA : I have also tabled certain amendments, which I would like to move,

MR. SPEAKER : Because it is an Official amendment, I have allowed it. But the hon Member had enough time earlier.

SHRI SAMAR GUHA : I could not get time earlier.....

MR. SPEAKER : If he were a Minister, I would certainly have allowed him.

SHRI DINEN BHATTACHARYYA : I would like to make certain submissions again with respect to this amendment. I do not know why he is insisting on the number 50. Why should he not make it 20 so that it will be similar to what we have in the Factories Act ? What is the reason for choosing 50 and not 20 ? Why not have a uniform number in all the Acts and have 20 as in the Factories Act ?

SHRI R. V. BADE (Khargone) : This debate was postponed yesterday because there was a demand for reducing the number from 50 to 20. Now the hon. Minister said that he was doubtful. I was also in doubt, and the debate was postponed. Now, the hon. Minister has come forward with an amendment. We do not know what the text of the amendment is, because the amendment is not before us.

MR. SPEAKER : He has already read it out.

SHRI R. V. BADE : I would suggest that the number may be reduced from 50 to 20.

SHRI R. K. KHADILKAR : I had explained yesterday why I could not accept the other amendments. If hon. Members want to have further explanations, I am prepared to give it. It is our intention that small establishments should be excluded from the scope of the Bill. It will be practically difficult to take action in respect of closure of small undertakings during the period of two months. I had made all these points clear yesterday. One of the remedial measures in case of closure is to resort to investigation and taking over of an establishment under the Industries Development and Regulation Act.

The next question is what should be a small establishment and for this purpose we have followed the provisions already existing in the Industrial Disputes Act in respect of lay-off provisions. Section 25A of the Act relating to lay-off provisions states that those provision shall not apply to industrial establishments in which less than 50 workmen on an average per working day have been employed in the preceding calendar month. In view of this, I am not in a position to accept any other amendments.

MR. SPEAKER : The Business Advisory Committee had fixed two hours and that was exhausted already yesterday. I am now going to put the amendments to the vote.

श्री हुक्म चन्द कछवाय (मुरैना) : अध्यक्ष महोदय, मजदूरों को करवा दीजिए। कोरम नहीं है।

MR. SPEAKER : Let the bell be rung—

Now, there is quorum. There are amendment Nos. 1 to 6 to Clause 2.

SHRI DINEN BHATTACHARYYA : Sir, the Minister has not said anything regarding amendment No. 6 of Shri Somnath Chatterjee. What is the harm in omitting that clause?

MR. SPEAKER : He does not agree to that.

Now amendment No. 1 is in the name of Shri Dinen Bhattacharyya; amendment Nos. 2 to 4 are in the name of Shri Somnath Chatterjee; amendment No. 5 is again in the name of Shri Dinen Bhattacharyya, and amendment No. 6 is again in the name of Shri Somnath Chatterjee. I am going to put all these amendments together.

Amendments Nos. 1 to 6 were put and negatived.

MR. SPEAKER : Now, there is amendment No. 9 by Shri Khadilkar moved today. The question is :

Page 1, for lines 14 to 16, substitute
“(a) an undertaking in which—

- (i) less than fifty workmen are employed, or
- (ii) less than fifty workmen were employed on an average per working day in the preceding twelve months.” (9)

The motion was adopted.

MR. SPEAKER : The question is :

“That Clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3—(Insertion of new section 30A)

MR. SPEAKER : Now to clause 3, there are two amendments. Shri Dinen Bhatta-

[Mr. Speaker]

charyya. Only one minute please. We are already beyond time.

SHRI DINEN BHATTACHARYYA: Sir, I move :

Page 2, line 11,—for “or” substitute “and” (7).

Page 2, line 12,—omit “, or with both” (8).

It is a very serious matter. They are bringing some legislation as if they are doing something which will really be a deterrent to the type of clandestine closures and illegal closures. You are giving discretionary power to the trying magistrate to fine or imprison an employer who violates the provisions of this Bill. My plea is that no discretion should be given to him. The provision should be that any employer who violates this provision should be imprisoned and fined, not that you can fine him to the extent of Rs. 5,000 or send him to prison. It is my amendment. I think the Minister will not hesitate to accept it.

SHRI R.K. KHADILKAR : Yesterday, I replied extensively and I am repeating it today. This is the maximum punishment under the Industrial Disputes Act.

SHRI DINEN BHATTACHARYYA : I am not worried about the maximum that is provided there.

SHRI R.K. KHADILKAR : If we find that the apprehensions expressed by the hon. Member turn out to be true, we shall review the position. I gave that assurance and beyond that I am not prepared to say anything.

MR. SPEAKER : I shall put amendments No. 7 and 8 to the vote of the House.

Amendments No. 7 and 8 were put and negatived.

MR. SPEAKER : The question is :

“That Clause 3 stand part of the Bill”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI R.K. KHADILKAR : I beg to move :

“That the Bill, as amended, be passed.”

MR. SPEAKER : Motion moved :

“That the Bill, as amended, be passed.”

SHRI SAMAR GUHA (Contai) : I fully agree with the objective of the Bill. But my apprehension is that this Bill provides enough subterfuge. I am afraid that there are so many holes that the industrial mouses will get through. I wanted to move a few amendments; but I could not on page 2, there is a clause which says : “Not with standing...such exceptional circumstances”. You have provided for exceptions. Suppose you say an accident; even a cracker explosion or a bomb explosion is an accident. If you wanted to make it fool proof, you should say; a major accident which would have led to the breakdown of the whole operation of the factory. Otherwise throwing of a bomb or creating Halla may be used as a pretext for closure. There is another thing : “... death of the employer or the like”. An employer does not run his factory; it is the manager or other functionaries. Why should a concern be allowed to be closed for death of its owner? What is this ‘like’? It is a Pandora’s box. Why did it not strike Mr. Somnath Chatterjee?

SHRI SOMNATH CHATTERJEE (Burdwan) : I referred to it.

SHRI SAMAR GUHA : It gives discretion to the trying judge to do anything he likes with this ‘like’. The whole purpose of this Bill will be scuttled.

My friend Dinen Bhattacharyya correctly raised this point. Then it says, “imprisonment which may extend to 6 months or with fine which may extend to Rs. 5000.” It means, it can be anything from Rs. 1 to Rs. 5000. These people earn crores of rupees and even a fine of Rs. 5000 is nothing.

ing to them, if by paying that, they can close the factory. Sir, when you give the option to a trying judges, in our acquisitive society, the subjective predilection of the judge will be almost inevitably in favour of the employer and not of the employee. So, you are frustrating your own purpose which is to stop these closures.

Sir, these are the lacunae in the Bill which will frustrate the very noble purpose the Government have in mind.

SHRI DINEN BHATTACHARYA Sir, for the last one year, the same Bill that was passed by the West Bengal Consultative Committee during President's rule is who working. I request the minister to actually review what is taking place in West Bengal. In the case of reopening of the factories, it is found that the privileges and facilities that the workers were enjoying before closure have been taken away, even in cases where Government itself is taking over the management of the firms. So, I will urge upon the minister to review it personally and not be guided by the loud speeches of the Ministers there or here.

SHRI R K KHADILKAR The hon member knows that in West Bengal, a certain climate which was most unhealthy for normal running of industries was created. Almost the industrial life was paralysed. Since the new regime has taken over—I can give facts and figures—the revival of industries is taking place. I am sure this Bill will help to reopen the closed undertakings.

MR SPEAKER The question is

"That the Bill, as amendment be passed."

The motion was adopted

12 50 hrs.

CANTONMENT (EXTENSION OF RENT CONTROL LAWS) AMENDMENT BILL

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM) Sir, I beg to move*.

"That the Bill to amend the Cantonments (Extension of Rent Control Laws) Act, 1957, as passed by Rajya Sabha, be taken into consideration."

राज्य सभा ने इस बिल को पास कर दिया है। यह इतना सीधासादा बिल है कि इस पर बहुत ज्यादा बहस की जरूरत नहीं है। संविधान के अनुसार छावनियों में मकानों के किराये और मकान-मालिकों और किरायेदारों के सम्बन्ध नियमित करने के लिए कानून केवल पार्लियामेंट ही बना सकती है। लेकिन संविधान के लागू होने से पहले बहा प्रदेशों के कानून लागू हुआ करते थे। संविधान के लागू होने के बाद पार्लियामेंट ने यह कानून पास कर दिया कि अगर सरकार चाहे, तो वह उन कानूनों को छावनियों में लागू कर दे। बस ही किया गया। लेकिन सुप्रीम कोर्ट ने एक फैसले में कहा कि यह अधिकार सिर्फ पार्लियामेंट को ही है और पहले के जो कानून थे, उनको लागू करने के लिए खाम तौर से कहा गया। वह भी कर दिया गया है। वे अधिकार के लिए लागू किये गये हैं। लेकिन कुछ ऐसे सवाल पैदा हुए कि उसके पहले जो बहुत से मामले कचहरियों में थे, या जिनके फैसले हो चुके थे अगर उनको सुरक्षा न दी गई, तो बहुत से किरायेदारों को बहुत परेशानी उठानी पड़ेगी। इसलिए ऐसा इन्टरम करना पड़ रहा है कि जब से 1950 से संविधान अमल में आया, तब से इस कानून को लगा हुआ समझा जाये, जिससे सभी छावनियों में किराये और मकान-मालिकों तथा किरायेदारों के सम्बन्ध नियमित किये जा सकें।

इस बिल पर बहुत ज्यादा बहस की गुंवाइश नहीं है। मुझे आशा है कि सदन इसको स्वीकार करेगा, ताकि किरायेदारों को राहत मिल सके।

MR SPEAKER Motion moved

"That the Bill to amend the Cantonments (Extension of Rent Control Laws) Act, 1957, as passed by Rajya Sabha, be taken into consideration."

*Moved with the recommendation of the President